

SUMMARY
Agriculture, Fish and Water (AFW) Process
FOTG - Meeting #1

Date: December 9, 1999
Place: Convention Center, Spokane, WA
Attendees: See attached attendance list

MEETING PURPOSE:

The purpose of the meeting was to begin the AFW Process and take the first steps in a collaborative effort between the parties to address agriculture, fish and water issues. Specifically, to focus on discussion related to reviewing and revising the applicable section(s) of the Field Office Technical Guide (FOTG) to address conservation standards and practices on farms to assure compliance with the Endangered Species Act (ESA) and Clean Water Act (CWA).

SUMMARY OF KEY ISSUES, DECISIONS AND ACTIONS:

1. Opening Remarks -Key Federal News

- USFWS listed bull trout Dec. 1. The prohibition on “take” is in effect. They are taking comment on proposed 4(d) rule, including exceptions. The 4(d) rule is expected to be final in March.
- NMFS releases draft West Coast 4(d) rule for salmonids Dec. 15. The take prohibition does not apply until rule is final. There are 3 exemptions in proposed rule, more could be added. The final rule could be adopted as early as June 2000. The FOTG, subject to Section 7 consultation, could be included in 4(d) rule.
- Congressional Delegation members (Gorton, Murray, Dicks) join Governor in supporting AFW process and encouraging participation

2. Draft General AFW Negotiation Ground Rules

- Approved without change.

3. Draft Specific AFW Ground Rules

- Facilitators will serve the AFW Process in an “independent” capacity (will not represent any one caucus).
- Approved the following specific ground rules without change: Nos.1-6, and No.8.
- No.7 was revised (by striking the second sentence) and approved; thus it now reads: “Negotiations should not be conducted through the press.”
- Final agreement was not reached on No.9 and No.11, which will be referred to the Workgroup (see below) for revision in keeping with the following points:

No.9 (limitations on media access). Although there was general agreement that presence of the media could negatively affect AFW discussions, there was no final agreement on how or whether to limit media participation in Executive Committee deliberations.

No.11 (recordings and meeting summaries). Similarly, it was recognized that any limitation on media access could be easily circumvented if electronic recordings of the Executive Committee meetings were made, since such recordings could not be withheld from the media under federal and state public disclosure statutes. The full group did agree that it would be important to have meeting summaries, including actions and decisions, which would be distributed to Executive Committee members for approval. But there was disagreement as to whether electronic recordings should be made routinely of Executive Committee meetings, or whether they would only be made if authorized by the Executive Committee.

- No.10 (notification of Executive Committee) was eliminated.
- It was generally agreed that a new ground rule should be added which makes it clear that rules for the FOTG process ground rules can only be modified by unanimous consent of the Executive Committee.

4. Draft Core Values for AFW Agreement

- The Core Values statement will be referred to the Workgroup for redrafting, understanding that there are differing perspectives among the caucuses on fundamental points and that it may take some time to resolve them and redraft the statement.
- Clarification: This piece might better be entitled, “Values Essential for AFW Agreement” in that it recognizes that a successful agreement must meet the fundamental interests of each of the parties:

It must not undercut the economic viability of agriculture in Washington;

It must contribute to meaningful increases in salmon and other listed stocks; and,

It must address both ESA and CWA requirements in a streamlined and efficient manner.

- The Workgroup should take note of three “hot button” issues:

(1) The “voluntary” nature of the agreement:

The agricultural community emphasizes that participation in the AFW process, and application of the agreement to individual farms, is voluntary. Environmental groups and other participants are very concerned about the “voluntary” aspect of this process.

Other parties emphasized that while participation in this initiative may be voluntary, compliance with ESA and CWA is not.

(2) The issue of “harvestable levels” of fish:

There was concern that setting the “bar” for the agreement at harvestable levels of fish exceeded ESA requirements.

Tribal representatives stated that anything less would be inadequate.

NMFS stated that, in the agency’s view, recovery or conservation of listed species provides harvestable levels of those stocks.

It was suggested that both views could be accommodated by noting that the agreement would “contribute to habitat function essential to recovery and harvestable levels of listed stocks.”

(3) Guarantees vs. contribution:

It was noted, and generally agreed, that an AFW agreement by itself could guarantee neither the economic viability of agriculture nor the recovery of salmon stocks. It could, however “contribute” materially to both. The Workgroup should make appropriate changes where the words “provide” or “providing” occur.

5. Draft AFW Goals and Objectives

- The purpose of the goals and objectives document is to outline the fundamental components of the FOTG initiative. They are:
 - (1) FOTG revision;
 - (2) Application of FOTG to individual farms; and.
 - (3) Monitoring and adaptive management.
- It was noted that key terms should be defined, including: “science-based”, ESA “assurances”, and “monitoring and adaptive management.”
- The scope of the FOTG initiative was discussed:
 - Members of the agricultural caucus suggested it be limited to FOTG 391(a), (riparian buffer standard).
 - Agency representatives noted that the whole FOTG must be brought into compliance with ESA and CWA, whether or not the AFW process limits the scope of its work.

- “Education before Action.” It was agreed that before making such decisions, it would be important for the whole Executive Committee and other participants in the process to have the benefit of FOTG training and other education.
- It was agreed that refinement of the Draft Goals and Objectives statement would wait until after the education program is underway.

6. Structure of FOTG Initiative

- It was agreed that the FOTG table would include nine representatives from the Agricultural Caucus, seven from the State (including WSU and CDs), six representatives from Federal Agencies, five Tribal, four Legislative, five Environmental, and two from Local Government.

7. Next Steps

- It was agreed that a Workgroup, with representation from each of the caucuses, be formed to undertake the following tasks:
 - (Task 1) As a foundational requirement, develop an education program for participants in this process, including FOTG training, ESA and CWA briefings, Biological/Habitat Functions, and field trips.
 - (Task 2) Develop a draft work plan and schedule for consideration by the Executive Committee.
 - (Task 3) Redraft and refine ground rules, core values statement, and other basic documents for consideration by the Executive Committee.
 - (Task 4) Consider the need for additional workgroups or subcommittees, including science/technical, legal assurances and accountability, and funding/economic groups.
- A recommendation was made to assign one to two people from each caucus to the workgroup. Each caucus will submit names within the next week.

Meeting Handouts/Materials:

1. Agenda
2. Draft General Agriculture And Fish Negotiation Ground Rules
3. Draft Specific AFW Ground Rules
4. Draft Three Core Values Will Support A Negotiated Agricultural Fish And Water Agreement
5. Draft Goals And Objectives of AFW – FOTG

6. FOTG Table (graphic/overhead)
7. FOTG Table (list)
8. Statewide Salmon Recovery Plan (graphic/overhead)
9. Proposed AFW Processes (graphic/overhead)
10. Congressional Delegation/Governor Letter, December 8, 1999
11. Governor Locke Letter to NWIFC, December 3, 1999
12. Chairman Frank (NWIFC) Letter to Gov. Locke, December 6, 1999

Date Prepared: Draft - December 16, 1999

Final Draft – January 10, 2000

Approved By Executive Committee: March 22, 2000

AFW December 9th Meeting Attendance List

Adams	Ed	WSU
Anderson	John	WA Fish & Wildlife
Andrews	Scott	Rivers Council of WA
Andrews	John	WA F&W
Appel	Steve	WA Farm Bureau
Baldi	Josh	WEC
Batts	Pat	WA Farm Bureau
Bennett	Colin	WA Conservation District
Borck	Gretchen	WA Wheat Growers
Bouchey	Kevin	WA Potato Commission
Briggs	Bruce	WA Assoc.
Brown	Charlie	WA Potato Commission
Bugert	Bob	Governor's Salmon Recovery Office
Buob?	Bob	WA Wheat Growers
Bush	Jodi	USFWS
Carpenter	Jack	Kittitas Reclamation District
Chan	Jeff	USFWS
Chandler	Gary	House of Representatives
Cheney	Chris	WA Dairy Federation/ Hop Growers
Combs	Jeff	USFWS
Crerar	Linda	WSDA
Davis	Tom	House of Representatives
dela Chapelle	Charlie	WA Horticultural Assn.
Denison	Karl	USFS
Deusen	Millard	WA Fish & Wildlife
Dirfee	Stuart	Gardena Farms, Irrigation Distr. #13
Dozier	Perry	WA Wheat Growers
Easter	Frank	NRCS
Erickson	Dick	East Columbia Basin Irrigation Distr.
Eriksen	Tracy	WACD/Producer
Evans	Dan	Facilitator
Faulconer	Lee	WSDA
Fawcett-Long	John	Western Sustainable Ag. Working Group
Fitzsimmons	Tom	Dept. of Ecology
Fredin	Adeline	CCT
Fullerton	Karla Kay	WA Cattlemen's Assn.
Grant	Bill	House of Representatives
Gray	Bill	Bureau of Reclamation
Grover	Tony	Dept. of Ecology
Guthrie	Janelle	State Senate
Haase	Jim	WA State Grange
Hagensen	Julie	EPA
Hamilton	Rod	FSA

Hansen	Reed	LWU
Hansen	Craig	USFWS
Hart	Bob	Skagit Co. Commissioner
Hay	Robert	Skagit County
Hazen	Jim	Horticultural Assn.
Hirsh	David	NMFS
Hirst	Ken	House of Representatives
Horton	Stacy	NWPPC
Jackson	Gerry	USFWS
Jacobsen	Ken	State Senate
Jacobson	Jim	Dept. of Ecology
Jesernig	Jim	WSDA
Jirava	Ron	WA Canola Comm.
Johnson	Jon	WSU
Kacinheiser?	David	Bureau of Reclamation
Koenings	Jeff	WA Fish & Wildlife
LaCroix	Paul	Western WA Farm Crops Assn.
Landin	Steve	NMFS
Louie	Deb	Colville Tribe
Lowe	Laura	Dept. of Ecology
Ludwig	Laura	Bureau of Reclamation
Mackey	Bruce	Potato Growers
Mader	Steve	Producer
Mager	Bonnie	WEC
Mankowski	John	WA Fish & Wildlife
Mann	David	WEC
Mayer	Kirk	WA Growers Clearing House Assn.
McClure	Norm	WA Rangelands Committee
McCuen	James	Colville Tribe
Meyer	Steve	WCC
Millam	Phil	EPA
Monsen	Jeff	Whatcom County
Morley	Philip	Snohomish County
Morton	Bob	State Senate
Myrum	Tom	WA State Water Resources Assoc.
Nelson	Diane	Colville Tribe
Nelson	Rick	WA Cattlemen's Assoc.
O'Connell	Catherine	Slade Gorton's Office
Olson	Judy	Patty Murray's Office
Parsons	Jeff	National Audubon Society
Paulson	Kevin	Spokane Seed Co.
Paulson	William	Farmer
Peay	Wendy	WSHGA, WCFA
Penner	Jay	WA Wheat Growers
Peone	Joe	Colville Tribe

Playfair	Bob	Rafter Seven Rand.
Poulson	Mike	WA Farm Bureau
Priest	Jim	Colville Tribe
Ralph	Alisa	USFWS
Rice	Chuck	EPA
Riddle	Dixie	WA Wheat Growers
Robison	Dan	EPA
Roseleip	Dave	WA Ag & Forest Ed. Foundation
Rundlett	Mike	WCC
Samuelson	Carl	WA Fish & Wildlife
Schoesler	Mark	House of Representatives
Schwisow	Mike	WA State Water Resources Assn.
Shank	Robert	BPA
Shindler	Ray	WA Wheat Growers
Shultz	Ron	Audubon
Slattery	Ken	Dept. of Ecology
Smitch	Curt	Governor's Office
Smith	Randy	WA Growers Clearing House
Smith	Ricky	Wenatchee Reclamation Distr.
Stockle	Claudio	WSU
Stuhmiller	John	State Senate
Sump	Bob	State Legislature
Teeley	Joel	Icicle Irrigation Distr.
Terwillegger	Karen	House of Representatives
Thompson	Tim	Facilitator
Trefry	Stu	WCC
Trull	Jim	Sunnyside Irrigation Distr.
Turner	Bob	NMFS
Volk	Ben	Kennewick Irrigation Distr.
Wallace	Dick	Dept. of Ecology
Ward	Paul	
Willis	Lynn	WSDA
Wisniewski	Veronica	WACD-Whatcom CD
Wright	Vim	WA Conservation Comm.
Zillges	Gordy	NMFS
Zuiches	Jim	WSU